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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,559	09/17/2003	Scott C. Milton	84005WFN	4598

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EXAMINER

DEUBLE, MARK A

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/664,559	Applicant(s) MILTON, SCOTT C.	
	Examiner Mark A. Deuble	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hardy et al. (U.S. Patent No. 4,401,302), as in the paper mailed November 3, 2004. This rejection is repeated below for convenience.

Hardy et al. shows a sheet-centering device that could be used for centering first and second size sheets. The device includes a base member 202/203 having a surface along which a sheet is transported along a sheet transport path and a skew roller 208 mounted on the base at an angle to the sheet transport path. A skew roller drive 213 rotates the skew roller so as to move a sheet into contact with a first sheet guide 224 or a second sheet guide 216 and on to imaging nip rollers 18 and 19 on a downstream portion 16 of the base. The first sheet guide 224 is fixedly mounted on the base member along one side thereof and the second sheet guide 216 is mounted on the base member parallel to but inwardly of the first sheet guide. A drive assembly formed by actuator 218 and linkages 222, 300, and 302 move the second sheet guide between a position out of the sheet transport path when a first sized sheet is transported along the sheet path and a position in the sheet path when a second sized sheet smaller than the first sized sheet is transported along the sheet transport path. Thus Hardy et al. shows all the structure required by claims 1-2 and 6.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy et al. in view of Becker (U.S. patent No. 3,948,509), as in the paper mailed November 3, 2004. This rejection is repeated below for convenience with additional language to account for the amendment to claim 3.

Hardy et al. shows generally all the structure required by the claims except for the drive assembly having a rotatable cam and a lift spring as required by claims 4-5. However, shows a drive assembly for moving a lateral sheet guide 25 between first and second positions that includes a cam contacting an arm 4 on the lateral sheet guide to move the sheet guide and a lift spring 7 engaging another arm 6 on the lateral sheet guide for biasing the guide against the cam. Becker teaches that the cam mechanism provides an advantageous way to actuate a lateral sheet guide. Therefore, it would have been obvious to one of ordinary skill in the art to replace the drive assembly of hardy et al. with a drive assembly having a rotatable cam and a lift spring according to the teachings of Becker. When this is done, the resulting device would have all the structure required by claims 1-6.

In regard to the amended language of claim 3 that it is the second sheet guide (and not the first sheet guide as was previously claimed) that is mounted on the base member for movement

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between an up position in the sheet transport path and a down position out of the sheet transport path, it should be noted that the second sheet guide 216 of Hardy is movable between up and down positions so that it may or may not be positioned in the sheet path. While the second sheet guide of Hardy is in the sheet transport path when in a down position and out of the sheet transport path in an up position instead of being in the sheet transport path in an up position and out of the sheet transport path in a down position, the second sheet guide would function equivalently with the claimed sheet guide, operating in essentially the same way with the same result. Thus claim 3 is rendered obvious in view of Hardy et al.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy et al. in view of Becker as applied to claims 3-5 above, and further in view of Williams et al. (U.S. patent No. 5,697,609), as in the paper mailed November 3, 2004. This rejection is repeated below for convenience.

Hardy et al. as modified in view of Becker would show generally all the structure required by the claims except for the means for mounting the skew roller for rotation about an axis perpendicular to the sheet transport path so as to vary the drive angle of the roller in relation to different sized sheets transported along the path. However, Williams et al. shows a means for mounting a skew roller for rotation perpendicular to the sheet transport path. Williams et al. teach that the use of adjustable angle skew rollers allows for better side registration of sheets being fed through the device. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a means for mounting the skew roller for rotation about an axis perpendicular to the sheet transport path according to the teachings of Williams et

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al. When this is done, the drive angle could be varied in relation to different sized sheets transported along the transport path.

Response to Arguments

6. Applicant's arguments filed March 21, 2005 have been fully considered but they are not persuasive.

In regard to the claim rejection under 35 U.S.C. § 102, the applicant argues that Hardy does not anticipate the claimed invention because it includes a plurality of skew rollers rather than the single skew roller recited in claim 1. While it is true that Hardy has more than one skew roller, it still anticipates the claims because the language of the claim does not limit the present invention to a sheet-centering device with only one skew roller. This is because the preamble of the claim uses the word "comprising." This word is inclusive or open-ended and does not exclude additional unrecited elements (see MPEP§2111.03). This means that despite the recitation of a "single skew roller", the invention can include other skew rollers. Therefore, the sheet-centering device of Hardy reads on the claims because the claim language does not limit the device to one having only a single skew roller.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (571) 272-6912. The examiner can normally be reached on Monday through Friday except for alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine A Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md


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